

REMARKS

1. An Office Action requiring an Election of Species was mailed October 26, 2006. In response to the Election/Restriction Requirement, Applicants submit this Response to Election/Restriction Requirement.

Examiner Interviews

2. Applicant thanks the Examiner for the courtesies extended in the telephonic interviews conducted on October 25, 2006.

Restriction Requirement

3. The Examiner previously required the election of a single invention for prosecution on the merits in the Office Action dated August 15, 2006. Applicant provisionally elected Group I, with traverse, in the Response dated August 28, 2006. Applicant reaffirms that decision.

4. The Examiner has required the election of an embodiment (species) from each group of species for prosecution on the merits. The Examiner alleged that the claims of Group I are directed to the following three (3) species:

Group A. Embodiments 1-2, representing the housing surface. Two embodiments are claimed:

- Embodiment 1, represented by a housing surface adapted to abut the patient's bone; and
- Embodiment 2, represented by a housing surface adjacent to a housing surface adapted to abut the patient's bone.

Group B. Embodiments 3-5, representing the configuration of the osseointegrating protuberances. Three embodiments are claimed:

- Embodiment 3, configured to be represented by permanently implanted;
- Embodiment 4, represented by configured to be extricated from the bone subsequent to osseointegration; and
- Embodiment 5, represented by configured to prevent significant movement between the implant and the bone.

- Group C.* Embodiments 6-10, represent the composition of the osseointegrating protuberance. Five embodiments are claimed:
- Embodiment 6, represented by at least one loop member;
 - Embodiment 7, represented by at least one aperture;
 - Embodiment 8, represented by one substantially smooth shaft;
 - Embodiment 9, represented by at least one threaded shaft; and
 - Embodiment 10, represented by at least one fastening member mounted to a support.

Provisional Election

5. In accordance with 37 CFR § 1.143 and MPEP 818.03(b), and the Examiner's Interview on October 25, 2006, Applicant hereby provisionally elects, with traverse, the following embodiments:

- Generic claims 1, 4-12, 27-37, 39, 47 and 51-56 (identified and agreed to in the noted conference calls)
- Embodiment 1 of Group A (claim 2);
- Embodiment 4 of Group B (claims 14 and 38); and
- Embodiment 9 of Group C (claims 20-24, 44-46 and 48).

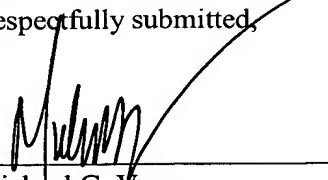
6. Applicant does not intend to dedicate non-elected claims to the public and reserve the right to file divisional applications for the subject matter covered by the non-elected claims.

7. The inventorship for the invention of the elected claims is the same as the inventorship of record in this application.

Conclusion

8. In view of the foregoing, it is respectfully submitted that this application is in condition for allowance and favorable action is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael G. Verga", is written over a horizontal line.

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